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3 BILL NO. G-74- 04-29

4 GENERAL ORDINANCE NO. G Wildkross

5 AN ORDINANCE AMENDING CHAPTER 30 OF THE  
6 FORT WAYNE MUNICIPAL CODE BY AMENDING  
7 SECTIONS 37, 38, 39, 40, 41, 43 and 44  
THEREOF.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
9 WAYNE, INDIANA That Chapter 30 of the Fort Wayne Municipal Code  
10 is hereby amended by amending Sections 37, 38, 39, 40, 41, 43  
11 and 44.

12 SECTION 36. Amusement Arcades - License required.

13 No person, firm, partnership or corporation shall keep  
14 within the City any amusement arcade unless such person, firm,  
partnership or corporation shall have first procured an amusement  
arcade license as hereinafter provided.

15 SECTION 37. Amusement Arcades - License required.

16 "Amusement Arcade" means the operation by any person, firm,  
17 partnership or corporation of:

18 (1) Two (2) or more coin operated amusement devices  
as hereafter defined;

19 (2) For public use;

20 (3) Upon premises solely within one enclosure.

21 SECTION 38. "Coin operated amusement device" means any  
22 amusement machine or device which is operated or put into operation  
in whole or in part by the insertion of a coin, token or similar  
23 object. The term does not include coin-operated musical devices,  
~~pin-ball machines~~, bona fide vending machines in which gaming or  
24 amusement features are not incorporated, any gambling device or  
slot machine. Nothing herein shall be construed to permit the use  
25 of any device prohibited by law or the use of any device in any  
manner prohibited by law.

26 SECTION 39. Amusement Arcades - License required.

27 No person, firm, partnership or corporation shall own, operate,  
28 or permit operation of an Amusement Arcade on premises owned, leased  
or operated by him, or engage in the business of operating an  
29 Amusement Arcade, in the City unless an annual Amusement Arcade  
License has been obtained.

30 SECTION 40. Amusement Arcades - License Required -  
31 Application - License fee.

32 Such Amusement Arcade licenses shall be obtained upon appli-  
33 cation to the City Controller and the payment of an annual license  
fee of \$200.00 for each Amusement Arcade. For each and every coin  
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operated amusement device in excess of two (2) an additional fee of Twenty Dollars (\$20.00) per coin operated amusement device should be charged and paid to the City Controller of the City of Fort Wayne, Indiana by the application therefor.

Except for Amusement Arcade licenses heretofore issued under the provisions of Chapter 30, Section 40 of the Municipal Code of the City of Fort Wayne, Indiana 1946, 1959 Edition as amended such Amusement Arcade licenses shall be obtained upon application and payment to the City Controller of the City of Fort Wayne, Indiana of an annual license fee as hereinabove provided in this Section 40 of Chapter 30 as herein amended of the Municipal Code of the City of Fort Wayne 1946, 1959 as amended. From and after June 1, 1974 such Amusement Arcade license shall cover an annual period from date of issuance by said City Controller.

The application must be signed by the applicant in the case of a sole proprietorship. In case the applicant is a partnership, all partners must sign the application. In case the applicant is a corporation, all authorized officers must sign the application and indicate their official position. The information required in the application form must be furnished as to each person signing the application. Each application shall be accompanied by the required licensing fee and shall contain the following information:

- (a) The applicant's full name.
- (b) The applicant's residence address.
- (c) The applicant's business address.
- (d) The address of the proposed amusement arcade.
- (e) The name and address of every person who has any interest in the Amusement Arcade, and the nature of that interest.
- (f) Whether or not the applicant has been convicted of any felony, or of pandering, gambling, operation of a gambling device, operating of a gaming house or being a keeper of a house of ill-fame, or any other misdemeanor.
- (g) Whether or not the applicant is at the time of making the application keeping or in any way connected with a gaming house or a house of ill-fame.
- (h) Whether or not the applicant or his or her spouse, or any member of the applicant's household is a member or employee of the Police Department of the City of Fort Wayne, whether or not any member or employee of the Police Department of the City of Fort Wayne is interested in any way, either directly or indirectly, in the license applied for, the devices, or the operation of the same; and whether or not the applicant has received or borrowed money or anything else of value or accepted credit from any member or employee of said Police Department, or the spouse of any member of the household of any such member or employee.

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3 (i) A statement that the applicant, if requested by the  
4 Mayor, will permit a record of his fingerprints  
5 to be made by the Police Department of the City  
6 of Fort Wayne for the purpose of additional investi-  
7 gation to determine whether or not the application  
8 should be granted.

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10 SECTION 41. Amusement Arcades, License required -  
11 Inspections; Issuance of License.

12 Upon receipt of the application and the fee, said City  
13 Controller shall refer the application to the Police Department of  
14 the City, which shall cause the Arcade to be inspected promptly and  
15 report to the City Controller whether the coin operated amusement  
16 device, or devices, in the Arcade are equipped for operation or  
17 are actually operated in violation of the law of the State. If  
18 the Police Department finds that the coin operated amusement  
19 devices in the Arcade are not so equipped or operated, the inspect-  
20 ing officer shall place a sticker on each machine showing the  
21 date of inspection and so report to the City Controller. The  
22 Controller shall then issue a license for the Arcade, and the  
23 number of the license shall be placed on the sticker on each coin  
24 operated amusement device in the Arcade.

25 The Police Department shall make at least one additional  
26 inspection of each coin operated amusement device in the Arcade  
27 during the license year to determine whether the machines are  
28 operated or equipped for operation in violation of the law of the  
29 State, and may make additional inspections at any time. The date  
30 of each inspection shall be shown on the sticker of each machine.

31 SECTION 42. Amusement Arcades - Change of Location.

32 If any coin operated amusement device is moved from  
33 the Arcade, the new location shall be reported promptly to the  
34 Police Department, and if not so reported, the Amusement Arcade  
35 License shall be automatically revoked without notice of further  
36 action. No license shall be valid except for the location shown  
37 in the application or in such change of location.

38 If any coin operated amusement device is moved from a  
39 different location to the Arcade, the Arcade licensee shall  
40 notify the Police Department of the City, which shall cause the  
41 new machines to be inspected promptly and report to the City Con-  
42 troller whether the coin operated amusement device in the Arcade  
43 is equipped for operation or is actually operated in violation of  
44 law. If the Police Department finds that the coin operated amuse-  
45 ment device in the Arcade is not so equipped or operated, the  
46 inspecting Officer shall place a sticker on that machine, bearing  
47 the number of the Arcade License, showing the date of inspection  
48 and so report to the City Controller.

49 SECTION 43. Amusement Arcades - Restrictions.

50 A. No coin-operated amusement device or coin-operated  
51 musical device or pin ball machine shall be operated within an  
52 amusement arcade so as to constitute a public nuisance.

53 B. An Amusement Arcade License shall not be issued to  
54 any person who has been convicted of conducting gambling activities  
55 or to any corporation or partnership a member or principal share-  
56 holder of which has been convicted of conducting gambling activities.  
57 No gambling activities shall be conducted on the premises of  
58 Amusement Arcades licensed under this Chapter.

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3 C. Every Amusement Arcade licensed under this Chapter  
4 shall have affixed on its premises in plain view a decalcomania  
evidencing the issuance of its license.

5 D. The license required and described in this Section  
6 shall be purely a personal privilege and shall not constitute  
property. It is not transferable in any manner.

7 SECTION 44. Amusement Arcades - Penalties.

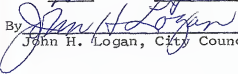
8 Any person, firm, partnership or corporation operating an  
9 Amusement Arcade shall be subject to a fine of not less than Ten  
10 Dollars (\$10.00) nor more than One Thousand Dollars (\$1,000.00)  
for every violation of this Chapter. A licensee who has committed  
11 three (3) or more violations of this Chapter may, upon ten (10)  
days written notice to licensee, have its license revoked.

12 SECTION 45. If any part, parts, section, sections,  
13 provision, clause or portion of this ordinance shall be adjudged  
invalid or unconstitutional, such invalidity or unconstitutionality  
14 shall not affect the validity or constitutionality of this ordi-  
nance as a whole or of any other part, section, clause, provision,  
or portion of this ordinance.

15 SECTION 46. This Ordinance shall be in full force and  
16 effect from and after its passage, approval by the Mayor, and  
legal publication thereof.

17   
18 Councilman

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31 Approved as to form and legality  
this 16 day of April, 1974.

32 By   
33 John H. Logan, City Council Attorney  
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Read the first time in full and on motion by Nuckols, seconded by Mason, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 4-23-74

Charles W. Westermant  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. Passed (LOST) by the following vote:

	AYES _____	NAYS _____	ABSTAINED _____	ABSENT _____	to-wit:
BURNS	_____	_____	_____	_____	_____
HINGA	_____	_____	_____	_____	_____
KRAUS	_____	_____	_____	_____	_____
MOSES	_____	_____	_____	_____	_____
NUCKOLS	_____	_____	_____	_____	_____
SCHMIDT, D.	_____	_____	_____	_____	_____
SCHMIDT, V.	_____	_____	_____	_____	_____
STIER	_____	_____	_____	_____	_____
TALARIGO	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_.

ATTEST: (SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR

*Hold  
Ed Kamnikar  
Ed Lauer State  
May 21*

Bill No. G-74-04-29

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
amending chapter 30 of the Fort Wayne Municipal Code by amending Sections  
37, 38, 39, 40, 41, 43 and 44 thereof.

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Withdrawn PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

*John Nuckols  
Vivian G. Schmidt  
William T. Hinga  
Paul M. Burns  
D.J. Schmidt*

5-28-74 CONCURRED IN  
DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK



# City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Edward Kamnikar - Controller & Larry Stolte Date May 14, 1974  
From Charles W. Westerman - City Clerk  
Subject Appearance before Common Council - May 21, 1974

COPIES TO:

RE: BILL NO. G-74-04-29

An Ordinance amending Chapter 30 of the Fort Wayne Municipal Code by amending Sections 37, 38, 39, 40, 41, 43 and 44 thereof.

Your presence is requested on May 21, 1974, at 7:30 o'clock P.M., Room 124, by the members of the Common Council and John Nuckols, Chairman of the Standing Committee of Regulations, in regard to the above bills.

It is also requested that you bring along any materials or information that you may have which will help the Council in its decision regarding the above bill.

Charlie

Please note Bill No. G-74-04-29 - Section 38 - Line 23 - typographical error is noted - correction excluding Pin Ball Machine . This correction stands as corrected upon introduction of Bill.

Charles W. Westerman  
City Clerk

Approved by

  
John Logan - Council Attorney



Admn. Appr. 

DIGEST SHEET

TITLE OF ORDINANCE GENERAL *6-74-04-25*

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_

SYNOPSIS OF ORDINANCE Amending Chapter 30 of the Municipal Code dealing with  
Amusement Arcades by fixing license requirements, restrictions and penalties

EFFECT OF PASSAGE Amendment to the Municipal Code dealing with Amusement Arcades

EFFECT OF NON-PASSAGE \_\_\_\_\_

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) *Regulation*